

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**R.M.S. TITANIC, INC.,  
successor-in-interest to  
Titanic Ventures, limited partnership,  
Plaintiff,**

**v.**

**Civil Action No. 2:93cv902**

**THE WRECKED AND ABANDONED VESSEL,  
ITS ENGINES, TACKLE, APPAREL,  
APPURTENANCES, CARGO, ETC., LOCATED  
WITHIN ONE (1) NAUTICAL MILE OF A POINT  
LOCATED AT 41 43' 32" NORTH LATITUDE  
AND 49 56' 49" WEST LONGITUDE,  
BELIEVED TO BE THE R.M.S. TITANIC  
in rem,  
Defendant.**

**UNITED STATES' RESPONSE TO RMST'S MOTION TO AMEND (ECF NO. 634)**

On May 18, 2020, the Court issued an order conditionally permitting RMST to “cut into . . . and to detach from the wreck” certain artifacts during its 2020 Expedition. ECF No. 612. Due to its inability to implement its plans for the expedition and finalize funding, RMST now advises the Court it will be unable to move forward with the 2020 Expedition, and moves to modify the May 18, 2020, Opinion to provide for the same permission for an expedition in 2021. ECF No. 634.

The United States, as a potential intervenor, previously sought reconsideration of the May 18, 2020, order. ECF No. 616. Specifically, because RMST had not complied with Section 113 of Consolidated Appropriations Act, 2017, Pub. L. No. 115-31, 131 Stat. 192 (May 5, 2017) (“Sec. 113”), and obtained an authorization from the Secretary of Commerce for the conduct authorized by the Court, the United States moved for a modification to either deny RMST’s

request, or at a minimum, to condition the Court's permission on RMST complying with Sec. 113. ECF No. 617.

With regard to the current motion, the United States does not oppose RMST's motion insofar as the motion requests that this Court withdraw its conditional approval for the 2020 Expedition. However, with respect to RMST's request to conditionally approve a 2021 expedition, the Court should deny RMST's the motion without prejudice unless and until RMST requests and obtains a Sec. 113 authorization. *See* ECF No. 617 at 6-11. If the Court is inclined to grant the motion, any modification of the May 18, 2020, Opinion should expressly state that the Court's permission to "cut into . . . and to detach [artifacts] from the wreck" is conditioned on RMST complying with any legal requirements imposed on RMST by Sec. 113. Framing the modification in such terms allows the parties to "proceed in an orderly fashion with all relevant litigation," ECF No. 634 at 5, including the United States' pending motion to intervene and resolution of the issue surrounding the applicability of Sec. 113. Finally, the Court may wish to defer ruling on RMST's current motion, and first rule on the United States' intervention motion, ECF No. 614, which would not only allow all relevant motions to be joined and considered together, but also allow RMST to further develop its incomplete operational and funding plans for a 2021 expedition.

Respectfully submitted,

G. Zachary Terwilliger  
United States Attorney

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### CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of July, 2020, I will electronically file the foregoing document with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following:

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